

Robert B. Jobe (Cal. State Bar #133089)
 LAW OFFICE OF ROBERT B. JOBE
 550 Kearny Street, Ste. 200
 San Francisco, CA 94108
 Tel: (415) 956-5513
 Fax: (415) 840-0308
 Email: bob@jobelaw.com

Attorney for Plaintiff.

UNITED STATES DISTRICT COURT FOR THE
 NORTHERN DISTRICT OF CALIFORNIA

ELISANGELA DA SILVA,

Plaintiff,

v.

EMILIA BARDINI, DIRECTOR, SAN
 SAN FRANCISCO ASYLUM OFFICE; ET AL.,

Defendants.

No. C 08-0014 PJH

MOTION FOR VOLUNTARY
 DISMISSAL; [PROPOSED]
 ORDER

USCIS Alien Number: 99-783-947

Subsequent to the filing of her complaint, Plaintiff, Elisangela Da Silva (“Ms. Da Silva”), learned that the government has not yet decided whether she is subject to reinstatement of removal pursuant to INA § 241(a)(5), 8 U.S.C. § 1231(a)(5). Accordingly, pursuant to Federal Rule of Civil Procedure 41, Ms. Da Silva, through counsel, requests that her mandamus complaint currently pending before the Court be dismissed without prejudice.

WHEREFORE, Plaintiff prays that the Court allow her to voluntarily dismiss her mandamus complaint, without prejudice.

DATED: February 13, 2008

Respectfully submitted,

/s/

Robert B. Jobe
 LAW OFFICE OF ROBERT JOBE
 550 Kearny St., Ste. 200
 San Francisco, CA 94108
 (415) 956-5513

Attorney for Plaintiff

[PROPOSED] ORDER

IT IS HEREBY ORDERED that Plaintiff's motion for dismissal of the action without prejudice be granted.

DATED:

PHYLLIS J. HAMILTON
UNITED STATES DISTRICT JUDGE